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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,298	07/12/2001	Mark Stephen Webb	30566.155-US-01	3888

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EXAMINER	
BECKER, SHAWN M	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,298	WEBB, MARK STEPHEN	
	Examiner	Art Unit	
	Shawn M. Becker	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to communication filed 9/17/04.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4, 6, 8, 10-11, 14, 16, 18, 20-21, 24, 26, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter AAPA) and U.S. Patent No. 6,039,047 to Rock et al. (hereinafter Rock).

Referring to claims 1, 4, 6, 11, 14, 16, 21, 24, and 26, the AAPA teaches a method, article of manufacture, and system for collapsing ("minimizing") a dialog window of an application that displays a complete dialog window of a currently active application (i.e. Fig. 1) on a display device, determines a location of a cursor with respect to the dialog window (i.e. if the cursor is over minimize button 108), displays a collapsed version of the dialog window, wherein the collapsed version of the dialog window consumes a smaller area of the display device than the complete dialog window, and displays the complete dialog window when the cursor moves within the collapsed version of the dialog window (i.e. when the cursor selects the "maximize option within the minimized dialog window). See page 4, line 22 – page 5, line 13.

The AAPA teaches collapsing a dialog window when a minimize button is pressed and not when a cursor is simply moved outside of the complete dialog window without additional action. The AAPA also does not teach displaying the complete dialog window when the cursor

is moved within the collapsed version without additional action. However, Rock teaches a method of resizing a control region (col. 4, lines 4-14) when a cursor is moved outside of the control region (col. 1, lines 20-32 and col. 3, lines 47-51) such that the control region is made smaller upon the cursor moving outside of the region and larger upon the cursor moving inside the control region. Since collapsing is a type of resizing, and a dialog window is a type of control region, it would have been obvious to one of ordinary skill in the art to modify the dialog window of the AAPA such that the collapsing occurs upon the cursor moving outside of the dialog window as taught by Rock in order to provide a simple and efficient way to make the dialog window (control region) less distracting as supported by Rock without requiring the dexterity to select a small "minimize button".

Referring to claim 8, 18, and 28, the combination of the AAPA and Rock teaches that the collapsed version of the dialog window is displayed when the cursor moves outside of the dialog window, *supra*, for a defined minimum time period (i.e. the time is takes for the machine to recognize the cursor is outside of the region/window).

Referring to claims 10, 20, and 30, the AAPA describes that the dialog box may be modeless. See page 3, lines 10-14.

3. Claims 2-3, 5, 12-13, 15, 22-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the AAPA, Rock, and U.S. Patent No. 6,335,745 to Amro et al. (hereinafter Amro).

Referring to claims 2-3, 12-13, and 22-23, it is implied that the title bar of the AAPA and Rock (i.e. AAPA at Fig. 1, 106) is retained and displayed even when the dialog window is

collapsed, however the AAPA and Rock do not explicitly state that the collapsed dialog window comprises a title bar of the dialog window or that the collapsed dialog window exactly encompasses a title of the dialog window and system buttons. However, Amro shows a minimized window (i.e. Fig. 4, 144) that displays a title bar, wherein the title bar exactly encompasses the title (i.e. Fig. 4, 148) of the window and system buttons (i.e. icons; Fig. 4, 114). It would have been obvious to one of ordinary skill in the art to ensure the collapsed dialog window of the AAPA comprised a size exactly encompassing a title [bar] and system buttons as shown in Amro in order to identify and redisplay the full size dialog window.

Referring to claims 5, 15, and 25, the AAPA and Rock do not explicitly teach that system buttons are in a same position in the collapsed version of the dialog window as when the complete dialog window is displayed. However, Amro shows system buttons in Fig. 6, 102 of a collapsed window that are each in the same position within the graphical selection area 102 as in the complete window (Fig. 4), such that the system button do not move away from the cursor when the dialog window collapses or expands. At col. 7, lines 30-48, Amro describes that the location of this graphical selection area may vary, implying that it may be programmed to remain in the same position with respect to the screen display. It would have been obvious to one or ordinary skill in the art to maintain system buttons in the same position of the collapsed dialog window of the AAPA and Rock as in the complete dialog window in order to maintain consistency in the placement of the buttons to easily find the appropriate button/function within the collapsed view (graphical selection area) as supported by Amro (i.e. col. 47-55).

4. Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the AAPA, Rock, and Microsoft® Word 2000 ©1999 (hereinafter Word) as supported by the attached screenshots.

Referring to claims 7, 17, and 27, the AAPA and Rock do not disclose that the focus is reverted to another window of the application without additional action by a user when the collapsed version of the dialog window is displayed. However, screenshot 2 of Word shows a dialog box open in Word, and screenshot 3 is the result of minimizing the dialog box in screenshot 2. No further action was taken, and it is clear that Document1 of Word has focus as evidenced by the depressed representation in the taskbar and that the collapsed version of the dialog window is displayed (the rightmost application displayed in the taskbar in screenshot 3). It would have been obvious to one of ordinary skill in the art to revert focus to another window of the currently active application of the AAPA when the collapsed version of the dialog window is displayed without further action as shown in Word in order to eliminate the need to click on a window to restore focus.

5. Claims 9, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Rock, and U.S. Patent No. 5,784,058 to LaStrange et al. (hereinafter LaStrange).

Referring to claim 9, 19, and 29, the ability to display a collapsed version of a dialog window in the AAPA is controlled by a selectable system icon displayed in a title bar of the dialog window (i.e. Fig. 1, 108). The AAPA and Rock do not explicitly teach that activating the icon activates the ability to display a collapsed version of the dialog window through further cursor movement and that when the selectable icon is not selected as active, the ability to display

a collapsed version of the dialog window through further cursor movement is disabled. However, LaStrange teaches a pushpin icon that may be selected as active to allow the contents of a window to be removed, and when the icon is not selected, the window remains persistent (i.e. cannot be changed). See col. 1, line 40 – col. 2, line 25 and Figs. 2-5, icon 52. It would have been obvious to one of ordinary skill to implement the pushpin icon of LaStrange within the collapsing dialog box interface of the AAPA and Rock, such that the ability to alter a window could be activated and disabled through an icon in order to control the persistence of a display as supported by LaStrange.

Response to Arguments

6. Applicant's arguments filed 9/17/04 have been fully considered but they are not persuasive.

Applicant argues that the AAPA and Rock do not teach a dialog box that can be collapsed through cursor movement. First, it should be pointed out that contrary to Applicant's arguments the claims do not clearly state that the collapsing of the dialog box is based solely on cursor movement (i.e. there are no statements that buttons may not be involved, etc). The terminology "comprising" is used, meaning that the presented limitations may involve other steps or limitations. Furthermore, the AAPA clearly shows dialog windows as described in the specification and as defined by the presented encyclopedia definition (i.e. Fig. 1). Rock teaches making a window smaller based on cursor movement outside of the region (col. 1, lines 20-32, col. 3, lines 47-51, and col. 4, lines 4-14). Applicant argues that Rock is directed to medical images. However, the medical images of Rock are displayed within windows which would indicate to one of ordinary skill in the art that the methods used in conjunction with the windows

of Rock could be used with other types of windows (i.e. the dialog windows of the AAPA). Therefore, the combination of the AAPA and Rock results in collapsing a dialog box through cursor movements.

Applicant argues the newly presented limitation that the minimum time is a defined time with respect to claims 8, 18, and 28. However, this amendment fails to further distinguish the claimed invention. There is no statement as to who defines the time or how it is defined. Clearly, the time it takes for the computer to recognize the cursor position is a defined time.

Applicant's arguments with respect to claims 9, 19, and 29 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues the newly presented limitation that the selectable icon controls the ability to display a collapsed window. As described above, LaStrange teaches a selectable icon that controls the ability to modify or window or have it remain persistent. One of ordinary skill in the art at the time of the invention, with the reference of the AAPA, Rock, and LaStrange would have been motivated to utilize an icon to select whether or not a window may be modified (i.e. replaced or collapsed) or whether a window should remain persistent (i.e. not able to collapse).

Applicant argues with respect to claims 2-3, 12-13, and 22-23 that the icons of Amro are different from the claimed system buttons. However, Applicant makes no reference to the specification or claim languages that distinguished the system buttons over an icon or provides a well-defined definition of "system buttons". In fact, the specification seems to use system icons and system buttons interchangeably. See page 4, lines 1-6 of the specification, which describe

only that which was prior art. The combination of the AAPA, Rock, and Amro provides for a collapsed window with a title bar that includes system icons.

Applicant argues the newly presented limitations with respect to claims 5, 15, and 25 that the system buttons are displayed in a same position with respect to a screen display. However, this amendment fails to further define the claims. It is unclear if "a screen display" refers to the entire contents displayed on a monitor/screen or a particular item displayed on the screen (i.e. a window). The claims are also not clear in determining if the system buttons must be part of the dialog window.

Applicant argues the newly presented limitation that the system buttons do not move away from the cursor. The Examiner believes the term "moving away" is unclear and fails to provide a proficient description of the invention. Part of the claim requires that the cursor be moved away from the dialog box in order for the collapsed window to be displayed; therefore, the claim does not provide a clear interpretation as to how the cursor and system buttons move apart, yet the system buttons do not move away from the cursor. Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the methods of Amro provide a reasonable interpretation of the amended claim.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is (571) 272-4046. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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